

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 201907596	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/13/2019 7:15 PM	Location of Incident: [REDACTED]	Precinct: 19	18 Mo. SOL 2/13/2021	EO SOL 9/30/2021	
Date/Time CV Reported Tue, 08/13/2019 8:53 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/26/2019 11:04 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Steve Richards	2920	937372	WARRSEC
2. LT Dominick Nasso	00000	924241	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Vincenzo DiMartino	00706	944510	WARRSEC
2. DT3 Joshua Laveglia	06162	936789	WARRSEC
3. POM Francis Devlin	24637	952670	WARRSEC
4. POM Joseph Poveromo	25808	949504	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso threatened to notify Administration for Children's Services.	[REDACTED]
B.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso threatened § 87(2)(b) with the loss of her apartment.	[REDACTED]
C.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso entered § 87(2)(b) in Manhattan.	[REDACTED]
D.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso searched § 87(2)(b) in Manhattan.	[REDACTED]
E.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso threatened § 87(2)(b) with the use of force.	[REDACTED]
F.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso threatened § 87(2)(b) with the use of force.	[REDACTED]
G.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso threatened § 87(2)(b) with the use of force.	[REDACTED]
H.LT Dominick Nasso	Abuse: Lieutenant Dominick Nasso threatened § 87(2)(b) with the use of force.	[REDACTED]
I.DT3 Steve Richards	Force: Detective Steve Richards used a chokehold against § 87(2)(b)	[REDACTED]
J.DT3 Steve Richards	Force: Detective Steve Richards restricted § 87(2)(b)'s breathing.	[REDACTED]
K.DT3 Steve Richards	Discourtesy: Detective Steve Richards spoke discourteously to § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
L.DT3 Steve Richards	Force: Detective Steve Richards used physical force against § 87(2)(b)	
M.DT3 Steve Richards	Force: Detective Steve Richards hit § 87(2)(b) with an inanimate object.	

Case Summary

On August 13, 2019, Lieutenant Dominick Nasso from the Warrants Section, and § 87(2)(b) both called the IAB Command Center and filed this complaint on behalf of § 87(2)(b) and her boyfriend, § 87(2)(b). On August 26, 2019, the case was received at the CCRB.

On August 13, 2019, at approximately 7:15 p.m., in front of § 87(2)(b) in Manhattan, Lt. Nasso threatened to notify the Administration of Children's Services (ACS) to have § 87(2)(b)'s child removed from her apartment (**Allegation A: Abuse of Authority, § 87(2)(g)**). Lt. Nasso also threatened § 87(2)(b) with the loss of her apartment (**Allegation B: Abuse of Authority, § 87(2)(g)**). Lt. Nasso, Sergeant Vincenzo DiMartino, and Detectives Steve Richards and Joshua Laveglia, all from the Warrants Section, forcibly entered and searched § 87(2)(b)'s apartment (**Allegations C and D: Abuse of Authority, § 87(2)(g)**), and threatened § 87(2)(b) and § 87(2)(b) with the use of force (**Allegations E through H: Abuse of Authority, § 87(2)(g)**). Det. Richards placed § 87(2)(b) in a chokehold and restricted his breathing (**Allegations I and J: Force, § 87(2)(g)**). Det. Richards spoke discourteously to § 87(2)(b) (**Allegation K: Discourtesy, § 87(2)(g)**), used force against him (**Allegation L: Force, § 87(2)(g)**), and hit § 87(2)(b) with an inanimate object (**Allegation M: Force, § 87(2)(g)**). § 87(2)(b) was arrested as a result of this incident.

The New York City Housing Authority (NYCHA) provided surveillance footage from the apartment complex, which captured portions of this incident (Board Review 01). Officers from the Warrants Section are not equipped with Body Worn Cameras (BWC).

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Dominick Nasso threatened to notify Administration for Children's Services.

Allegation (B) Abuse of Authority: Lieutenant Dominick Nasso threatened § 87(2)(b) with the loss of her apartment.

Allegation (C) Abuse of Authority: Lieutenant Dominick Nasso entered § 87(2)(b) in Manhattan.

Allegation (D) Abuse of Authority: Lieutenant Dominick Nasso searched § 87(2)(b) in Manhattan.

It is undisputed that Lt. Nasso, Sgt. DiMartino, Det. Richards, and Det. Laveglia went to § 87(2)(b)'s apartment to apprehend § 87(2)(b) who had an active parole warrant (Board Review 02). The officers removed the peephole and visually searched the apartment. § 87(2)(g)

§ 87(2)(b) (Board Review 03) said that he went to § 87(2)(b)'s apartment that day to celebrate § 87(2)(b)'s son's § 87(2)(b) birthday. § 87(2)(b) did not live with § 87(2)(b) but acknowledged that he often visited and spent time at the residence. § 87(2)(b) did not know how the officers discovered that he was inside § 87(2)(b)'s apartment that day, and acknowledged having an active parole warrant. He said he and § 87(2)(b) her son, and § 87(2)(b)'s younger sister, whose age § 87(2)(b) did not know, were inside the apartment when they heard loud banging on the door. The officers then identified themselves as Warrants officers, said they knew § 87(2)(b) was inside, and ordered that the door be opened. § 87(2)(b) and the other occupants in the apartment remained quiet and did not respond. § 87(2)(b) said they remained quiet because they did not want the officers to know that they were inside the apartment. The officers kept knocking, and said they would notify ACS to remove § 87(2)(b)'s son if the door was not opened. The occupants remained quiet, while § 87(2)(b) recorded on her cellphone. The officers, approximately 20 minutes later, took down the door, entered the apartment and apprehended § 87(2)(b). § 87(2)(b) did not know which of the officers made the alleged threats, but said he believed it was Lt. Nasso because he appeared to be doing most of the talking. (The above allegations were also pleaded against Lt. Nasso because he was the supervisor on scene). Subsequent to the incident,

§ 87(2)(b) found out that the officers saw him via the peephole, but he did not know how he obtained that information.

§ 87(2)(b) in her initial complaint to IAB alleged that the officers threatened to notify ACS to have her child removed from the apartment, and that the officers also threatened her with the loss of her apartment (Board Review 04). § 87(2)(g) (Board Review 05).

Sgt. DiMartino (Board Review 06) and Det. Richards (Board Review 07) both said that Lt. Nasso assembled them together with Det. Laveglia, and informed them that one of their colleagues, Detective Patrick Dooley, who was investigating § 87(2)(b) had called § 87(2)(e), § 87(2)(f) § 87(2)(e), § 87(2)(f), § 87(2)(b) § 87(2)(e), § 87(2)(f), § 87(2)(b) Det. Richards and Sgt. DiMartino § 87(2)(e), § 87(2)(f) nor were they familiar with the investigation of § 87(2)(b) except that § 87(2)(b) had § 87(2)(b), and had an active parole warrant. The officers performed final database searches for § 87(2)(b) prior to heading to the location. Sgt. DiMartino and Det. Richards did not recall the results of the searches they performed, except that the warrant was still active, and that § 87(2)(b)'s address was listed as one of the potential addresses for § 87(2)(b) Sgt. DiMartino and Det. Richards also did not recall any conversations about the number of people who resided inside the apartment, or whether there were children present.

The officers arrived at the location, § 87(2)(e), § 87(2)(f) The officers then proceeded to the 16th Floor of the building. Sgt. DiMartino and Det. Richards entered a public patio which was accessible through the hallway, and were able to see inside § 87(2)(b)'s apartment through her kitchen window. Det. Richards saw a male in the kitchen, whose pedigree information matched that of § 87(2)(b) Sgt. DiMartino did not recall seeing anyone when he looked through the window, but said he heard male and female voices from the apartment. Det. Richards returned to the front door, and together with Lt. Nasso and Det. Laveglia began to knock on the front door, while Sgt. DiMartino remained on the patio. A male responded and asked who was at the door. Lt. Nasso identified themselves as police, called out § 87(2)(b) full name, and ordered him to step outside. The male replied, "I am not coming out," and began to hurl profanities at the officers. The officers thus believed that § 87(2)(b) was the male speaking with them. Lt. Nasso told § 87(2)(b) that the officers would take down the door if he did not exit, and that he should do the right thing and exit. Lt. Nasso spent approximately 20 minutes trying to convince § 87(2)(b) to voluntarily open the door and step outside because he did not want the officers to breach § 87(2)(b)'s front door, but § 87(2)(b) refused and hurled profanities at the officers. Det. Richards said none of the officers made any statements about notifying ACS because they did not know about the presence of a child in the apartment, nor did they make any statements about § 87(2)(b) losing her apartment. Sgt. DiMartino did not hear what transpired at the front door, and thus did not know if the other officers made any threats to § 87(2)(b) or the other occupants inside the apartment.

Det. Richards said that Lt. Nasso instructed Det. Laveglia to remove the peephole so the officers could see what was happening inside the apartment. Lt. Nasso also instructed Det. Richards to return to the police vehicle and retrieve a door ram. Det. Richards retrieved the ram and returned to the door. He noticed that the peephole had been removed, and was thus able to see inside the apartment. He observed § 87(2)(b) pacing back and forth in what appeared to be the living room. The officers instructed § 87(2)(b) one final time to open the door, but he refused. Det. Richards used the ram to manipulate the edges of the door knob, and then tried to use his body to push the door open. He was however, unable to open the door, and noticed that § 87(2)(b) had braced his body against the door. The officers repeatedly ordered § 87(2)(b) to step away from the door, while Det. Richards tried to push the door open, but § 87(2)(b) refused. At some point, however, § 87(2)(b) told the officers that he was coming out and requested that they stop pushing on the door.

The surveillance footage obtained from NYCHA (Board Review 01), at 02:05, shows Det. Richards and Sgt. DiMartino standing in the hallway in front of the elevator bank. Det. Richards' right hand is slightly extended and appears to be holding onto § 87(2)(b) who is not captured in the camera frame. At 02:06, Det. Richards uses both hands to pull § 87(2)(b) towards himself. He then wraps his right arm around § 87(2)(b) shoulder and chest, while holding onto both of § 87(2)(b) arms with his left hand. § 87(2)(b) whose back appears to be pressed against the front of Det. Richards' body, appears to move his body. At 02:07, Det. Richards' right arm appears to move in front of the front of § 87(2)(b) neck, and appears to attempt to hold § 87(2)(b) up against himself. It is unclear from the video if Det. Richards touches § 87(2)(b) neck or throat. At 02:09, Det. Richards removes his right arm from the front of § 87(2)(b) body, and then pushes § 87(2)(b) on his back inside the elevator. § 87(2)(b) directly looks at the camera inside the elevator and laughs. He then turns towards Det. Richards, who is standing less than a foot away, and appears to be arguing at Det. Richards. At 02:21, a female, identified via investigation as § 87(2)(b) enters the camera frame, and appears to be recording on a handheld device. At 02:26, § 87(2)(b) approaches the elevator and attempts to speak with § 87(2)(b). At 02:27, Det. Richards uses his left hand to push § 87(2)(b) on his chest further inside the elevator. § 87(2)(b) appears to say something to Det. Richards, who then appears to smirk. At 02:28, Det. Richards, who has his hands behind his back, moves closer to § 87(2)(b) who still appears to be speaking. § 87(2)(b) also steps forward towards Det. Richards, and the two men, standing face to face, are in very close proximity to each other. At 02:42, Det. Richards places the side of his head against § 87(2)(b) forehead, and with his head pushes § 87(2)(b) away from him. Sgt. DiMartino and Lt. Nasso then steps in between the two men. At 03:41, the officers escort § 87(2)(b) out of the elevator.

Det. Richards and Sgt. DiMartino both said that none of the officers physically entered the apartment, nor did they at any point threaten to use force against § 87(2)(b) and § 87(2)(b). The officers did not make any statements about bringing in dogs to bite the occupants in the apartment, which was contrary to their practice, nor did they draw or point their Tasers at anyone. Sgt. DiMartino and Det. Richards said that § 87(2)(b) did not physically resist when he stepped out and into the hallway and was handcuffed, but was verbally abusive, and used racial and homophobic slurs towards the officers. The officers did not respond, and Det. Richards escorted him towards the elevator. Sgt. DiMartino and Det. Richards denied that Det. Richards placed his arms around § 87(2)(b) neck in an apparent chokehold, and pulled him towards the elevator. § 87(2)(b) however, attempted to walk back towards the apartment once the officers arrived in front of the elevator. Det. Richards thus pulled § 87(2)(b) towards himself, and then wrapped his left arm around § 87(2)(b) chest and upper body to hold § 87(2)(b) and prevent him from moving. Det. Richards acknowledged that it was possible his left arm might have touched the front of § 87(2)(b) neck, but denied applying pressure on § 87(2)(b) throat, and said the force technique he applied did not constitute a chokehold, but was rather a bear hug.

Det. Richards denied that § 87(2)(b) complained about experiencing difficulty breathing, but together with Sgt. DiMartino acknowledged that § 87(2)(b) complained about being choked and said he was going make a lot of money off the officers by suing the Police Department. Det. Richards also acknowledged using his head to push § 87(2)(b) forehead, and said he did so to create space between himself and § 87(2)(b) since they stood close to each other. Det. Richards, however, did not know why he used his head as opposed to any other part of his body. He also acknowledged pushing § 87(2)(b) on his chest, and said he did so because § 87(2)(b) had attempted to step out of the elevator. Det. Richards acknowledged escorting § 87(2)(b) to the police vehicle, but denied pushing § 87(2)(b) inside the vehicle, did not twist § 87(2)(b) handcuffed arms, nor did he slam an adjustable seat on § 87(2)(b) foot. Det. Richards said that an ambulance was requested for § 87(2)(b) because § 87(2)(b) complained of back pain, and alleged that the officers had assaulted him. Det. Richards denied that the officers used any form of excessive force against § 87(2)(b) and said § 87(2)(b) back pain was possibly as a result of the fact that he braced his body against the apartment door while the officers attempted to force down the door. Sgt.

DiMartino also added that the ambulance was requested for § 87(2)(b) because he complained of difficulty breathing, which § 87(2)(b) claimed was as a result of being claustrophobic and confined in the police vehicle.

The Threat Resistance and Injury (TRI) report, the Investigating Supervisor's Assessment Report (ISAR), and the Medical Treatment of Prisoner Report (MTPR) prepared for this incident were all consistent with Sgt. DiMartino's and Det. Richards' testimonies (Board Review 14 – Board Review 16).

The Ambulance Call Report (ACR) and § 87(2)(b) medical records from § 87(2)(b) both indicate that § 87(2)(b) complained of back pain, which he said was as a result of an officer placing their knee on his back while holding him down on the ground. § 87(2)(b) denied experiencing any shortness of breath, nor did he complain of pain to any other part of his body. Physical and lab examinations performed on § 87(2)(b) showed no deformities or trauma to his body, and the physician concluded that § 87(2)(b) did not require any medical intervention. He was therefore not prescribed any medication, and was discharged and released to police custody in a stable and normal condition (Board Review 17).

NYPD Patrol Guide Procedure 221-01, permits officers to use force when it is reasonable to ensure their safety or a third person, and to gain compliance and prevent escape from custody. In determining whether the use of force is reasonable, officers shall consider the actions taken by the subject, and the immediacy of the perceived threat or harm to the subject, officers, and/or bystanders. A chokehold shall include, but not limited to any pressure to the throat or windpipe which may prevent or hinder breathing or reduce intake of air. Officers shall not use chokeholds. (Board Review 18).

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegations E, F, G, H, I, J and M § 87(2)(g)

Allegation (K) Discourtesy: Detective Steve Richards spoke discourteously towards § 87(2)(b)

§ 87(2)(b) said that Det. Richards while escorting him to the elevator told him to “Shut the fuck up.” Det. Richards also called § 87(2)(b) a “fucking motherfucker,” and said to him, “Why the fuck are you making so much noise,” and “be fucking quiet.”

Det. Richards and Sgt. DiMartino denied that Det. Richards used any profanities towards § 87(2)(b) and said § 87(2)(b) rather used racial and homophobic slurs towards Det. Richards.

§ 87(2)(g), § 87(2)(b)

Allegation K § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b)
§ 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
- This is the first CCRB Complaint to which § 87(2)(b) has been a party (Board Review 20).
- Lt. Nasso has been a member of service for 20-years, and has been a subject in 15 CCRB complaints and 37 allegations, one of which was substantiated:
 - Case #200301734 involved a substantiated frisk and/or search allegation against Lt. Nasso. The Board recommended charges, and the NYPD imposed a forfeiture of 10 vacation days.
 - § 87(2)(g)
- Det. Richards has been a member of service for 15-years, and has been a subject in 16 CCRB Complaints, and 41 allegations, three of which were substantiated:
 - Case #201705224 involved substantiated threat of arrest, entry and search of premises allegations. The Board recommended charges, and the NYPD is yet to impose discipline.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of May 14, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complain (Board Review 21).

§ 87(2)(b)

- § 87(2)(b) [Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: 1

Investigator: Enoch Sowah Inv. Sowah 5/14/20
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda 5.14.20
Signature Print Title & Name Date

Reviewer:
Signature Print Title & Name Date